

MEMO ENDORSED



U.S. Department of Justice

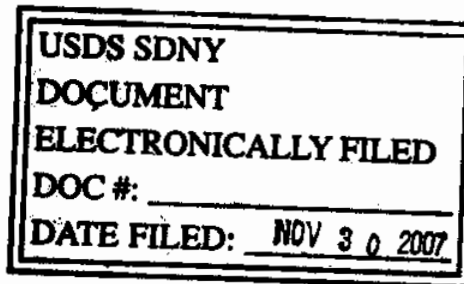
United States Attorney
Southern District of New York

86 Chambers Street, 3rd floor
New York, New York 10007

November 30, 2007

BY EMAIL

The Honorable Paul A. Crotty
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 735
New York, NY 10007



Re: *State of New York, et al. v. United States Department of Health and Human Services*, 07 Civ. 8621 (PAC)

Dear Judge Crotty:

I represent the United States Department of Health and Human Services ("HHS") in this case, in which several states challenge recent guidance issued by HHS aimed at ensuring the proper use of federal matching funds under the State Children's Health Insurance Program ("SCHIP"). HHS' response to the plaintiffs' complaint is presently due on December 4, 2007. With the consent of plaintiffs' counsel, I write respectfully to request an extension of this date until January 10, 2008. The reasons for this request are as follows.

I am presently on deferred paternity leave and am not scheduled to return to the office until December 6, 2007. Upon my return, I have two circuit court briefs due, one on December 14 and the other on December 19, which will consume much of my time and attention. Given the complexity of the instant case, I will need substantial additional time to prepare HHS' response to plaintiffs' complaint. Further, due to a parallel case brought by several other states in the District of New Jersey, the preparation of HHS' response will require close coordination with the Department of Justice attorneys responsible for that litigation.

✱ Accordingly, I respectfully request that the time for HHS to respond to plaintiffs' complaint be extended until January 10, 2008. I have consulted with counsel for the plaintiffs, who consent to this request. This is HHS' first request for an extension in this litigation.

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I thank the Court for its consideration of this request.


Respectfully,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

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cc: Peter Sistrom, Esq. (by email)

 **Application GRANTED**

SO ORDERED: NOV 3 2007

HON. PAULA A. CROTTY
UNITED STATES DISTRICT JUDGE